

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DANIEL POOLE,)	
Plaintiff,)	
)	Case No. 07 C 6355
v.)	
)	JURY DEMAND
)	
CITY OF BURBANK, <i>et al.</i>)	
Defendants.)	

**PLAINTIFF'S UNOPPOSED MOTION FOR AN EXTENSION OF TIME
TO COMPLETE DISCOVERY**

Plaintiff Daniel Poole, by and through his plenary guardian James Simpson, and by and through his attorneys Shelly B. Kulwin, Anthony J. Masciopinto and Jeffrey R. Kulwin, KULWIN MASCIOPINTO & KULWIN, L.L.P., and Marvin Bloom, the LAW OFFICE OF MARVIN BLOOM (Plaintiff), respectfully moves this Court for an extension of time until **November 13, 2008** to complete discovery.

1. By prior court order, the parties have until August 13, 2008 to complete discovery in this matter. Plaintiff respectfully requests a ninety (90) day extension of time until **November 13, 2008** to complete discovery. This is Plaintiff's **first** request to extend the date to complete discovery in this matter. Plaintiff's counsel has conferred with Defendants' counsel regarding this motion. Defendants' counsel has no objection to this motion.

2. Due to the unique circumstances of this case, and the press of other matters, and not for purposes of delay, Plaintiff needs additional time to complete discovery.

3. Specifically, Plaintiff alleged in this lawsuit, among other things, that Defendants violated his constitutional rights when he was unlawfully arrested and subjected to excessive force by the defendant police officers and their use of a police dog. After Plaintiff filed the complaint in this matter, he was involved in a serious car accident which occurred as he was being pulled over by Elk Grove Village police officers. The car accident left Plaintiff permanently disabled. Plaintiff has asserted that the circumstances surrounding car accident, and the injuries he suffered from that accident, were all directly and proximately caused by the trauma, emotional distress and fear he suffered as a result of the occurrences set forth in the complaint. As result, the parties now have a substantial amount of additional discovery to conduct regarding the events leading up to the car accident and Plaintiff's resulting injuries, in addition to conducting discovery relating to the allegations of the complaint in this matter.

4. In addition, Plaintiff's counsel is committed to preparing and participating in previously set trials which prevents them from completing discovery in this matter by August 13, 2008 including, among other things:

- (A) ***Burrill, et al. v. Miya, et al.***, No. 07 CH 34128, in the in the Circuit Court of Cook County, Chancery Division before the Honorable Judge Mary K. Rochford. The trial was scheduled to begin on July 8, 2008. Plaintiff's counsel represents the plaintiffs in this preliminary injunction matter. On June 30, 2008, Judge Rochford continued the trial based on recently developing matters which required the plaintiffs to add brand new defendants to the case.
- (B) ***Sebastian v. City of Chicago et al***, No. 05 C 2077, in the United States District Court for the Northern District of Illinois before the Honorable Judge Virginia Kendall. Plaintiff's counsel represents the plaintiffs in this employment discrimination matter. Plaintiff's summary judgment sur-response brief and supporting materials was due on June 13, 2008. The pre-trial materials are due to be filed on July 18, 2008. The trial in this matter is set to begin on August 4, 2008.

5. As a result, it will not be possible to complete discovery by August 13, 2008. Accordingly, Plaintiff respectfully seeks additional time, up to and including **November 13, 2008** to complete discovery in this matter

6. The brief extension requested herein will not unduly delay these proceedings and no party will be prejudiced by the relief requested herein. The interest of justice warrants granting this motion.

WHEREFORE, Daniel Poole, by and through his plenary guardian James Simpson, respectfully requests that this Court extend to **November 13, 2008** the date by which the parties must complete discovery in this case.

Respectfully submitted,

/s/ Jeffrey R. Kulwin

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